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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,353	01/14/2002	Mehran Arbab	1376P1	5572

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EXAMINER	
BOLDEN, ELIZABETH A	

ART UNIT	PAPER NUMBER
1755	7

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,353	ARBAB ET AL.	
	Examiner	Art Unit	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) *36-39* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 40-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other:

DETAILED ACTION

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-35 and 40-44 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the establishment of class and subclass designation was made for efficient searching and not for cataloging separate and distinct inventions. This is not found persuasive because the invention of Group I is to a glass composition and Group II is to a glazing panel set, which are separate and distinct inventions.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-35, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Higby, U.S. Patent 5,780,372.

Higby discloses a soda lime silica glass having a blue tint. See abstract of Higby. Higby discloses a glass composition having overlapping ranges with instant claims 1-35, 40, and 41. See Abstract and column 4, lines 35-44. Higby further disclose optical properties for the glass composition. See Abstract, column 2, lines 50-55, and column 3, lines 50-52. The compositional ranges, excitation purity, dominant wavelength, and visible and UV light transmittance ranges disclosed by the reference are sufficiently specific to anticipate the compositional, excitation purity, dominant wavelength, and visible and UV light transmittance limitations in claims 1-35, 40, and 41. See MPEP 2131.03. Furthermore, Higby discloses Example 1 which meets the compositional ranges, excitation purity, dominant wavelength, and visible light transmittance ranges of claims 1-9, 11, 12, 14, 20, 23-25, 27, 28, and 34 and Example 2 which meets the compositional ranges, excitation purity, dominant wavelength, and visible light transmittance ranges of claims 1, 2, 4, 5, 7, 9, 11, 12, 20, 23, 26. See Table I. Higby discloses that the glasses are made by the float process for automotive glazings. See column 4, lines 53-58 and 59-61.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Higby would inherently possess the same total solar infrared transmittance and total solar energy transmittance properties as recited in claims 16, 19, 29, 30, 31, and 34. See MPEP 2112.

Claims 1-17, 19-29, 31-35, and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Casariego et al., U.S. Patent 5,582,455.

Casariego et al. disclose a soda lime silica glass having overlapping ranges with instant claims 1-17, 19-29, 31-35, and 40-44. See Abstract and column 1, line 60 to column 2, line 6. Casariego et al. further disclose optical properties for the glass composition. See Abstract, column 2, lines 8-12, 23-25, and 35-37. The compositional ranges, excitation purity, dominant wavelength, and visible and total energy transmittance ranges disclosed by the reference are sufficiently specific to anticipate the compositional, excitation purity, dominant wavelength, and visible and total energy transmittance limitations in claims 1-12, 14-16, 19-29, 31-35, and 40-44. See MPEP 2131.03. Furthermore, Casariego et al. disclose Example 2 which meets the compositional ranges, excitation purity, dominant wavelength, and visible light and total energy transmittances ranges of claims 1, 5, 7, 8, 11-13, 16, 17, 20, 23, 26, 27, 28, 29, and 34 and other examples 5, 8, 10, 12, and 14 which also meet some of the claims. See the Table in column 4. Casariego et al. disclose that the glasses are made by the float process. See column 2, lines 18-22. Casariego et al. disclose that the glasses are used for automotive glazings. See column 4, lines 21-23.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Casariego et al. would inherently possess the same total solar infrared transmittance and total ultraviolet transmittance properties as recited in claims 16, 19, 29, 30, 31, and 34. See MPEP 2112.

Claims 1-35 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Boulos et al., U.S. Patent 5,851,940.

Boulos et al. disclose a blue soda lime silica glass having overlapping ranges of components with instant claims 1-35 and 41. See Abstract and column 2, lines 21-29. Boulos et al. further disclose optical properties for the glass composition. See Abstract, column 3, lines 40-42, 45-55, and 60-64. The compositional ranges, excitation purity, dominant wavelength, and visible, infrared, ultraviolet, and total energy transmittance ranges disclosed by the reference are sufficiently specific to anticipate the compositional, excitation purity, dominant wavelength, and visible and total energy transmittance limitations in claims 1-35 and 41. See MPEP 2131.03. Furthermore, Boulos et al. disclose examples 6 and 7 which meet the compositional and property limitations of claims 1, 4, 7, 8, 10, 15, 16, and 20 and examples 10-12 which also meet the compositional and property limitations of claims 1-4, 7-13, and 16-20. See Tables III and IV. Boulos et al. disclose that the glasses are made by the float process and used for automotive glazings. See column 3, lines 14-16.

Claims 1-33, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Graber et al., U.S. Patent 5,994,249.

Graber et al. disclose a blue soda lime silica glass having overlapping ranges of components with instant claims 1-33, 40, and 41. See Abstract and column 3, lines 12-20. Graber et al. further disclose optical properties for the glass composition. See Abstract and column 3, lines 50-55. The compositional ranges and visible, ultraviolet, and total energy transmittance ranges disclosed by the reference are sufficiently specific to anticipate the compositional, excitation purity, dominant wavelength, and visible and total energy

transmittance limitations in claims 1-33, 40, and 41. See MPEP 2131.03. Graber et al. disclose that the glasses are made be the float process. See column 1, lines 11-13.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Graber et al. would inherently possess the same dominant wavelength and excitation purity properties as recited in claims 1, 12, 13, 17, 18, 23, 24, and 30. See MPEP 2112.

Response to Arguments

Applicants' arguments filed 14 July 2003 have been fully considered but they are not persuasive.

Applicants argue that Higby, US 5,780,372, Boulos et al., US 5,851,940, and Graber et al., US 5,994,249 cannot anticipate the instant claims since Higby, Boulos et al., and Graber et al. do not contain selenium. This is deemed not persuasive since Applicants recite in claim 1, "Se present in an amount up to 15 ppm" and this range includes zero as a lower limit. Applicants' 7 and 20 also use the same "up to" terminology.

Applicants argue that Casariego et al., US 5,582,455, teach that glasses containing selenium are gray in color. This is deemed not persuasive since Casariego et al. disclose that the glasses according to this invention have gray tints and neutral colorations, which include blue at wavelengths from 490 to 560 nm. See column 2, lines 33-37. Applicants further argue that Examples 1, 3, 4, 6, 7, 9, 11, and 13 do not anticipate the instant claims. This is not deemed persuasive since the reference is not limited to the examples alone for disclosure. See MPEP 2123. Casariego et al. disclose compositional ranges, excitation purity, dominant wavelength,

and visible and total energy transmittance ranges disclosed by the reference are sufficiently specific to anticipate the compositional, excitation purity, dominant wavelength, and visible and total energy transmittance limitations in claims 1-12, 14-16, 19-29, 31-35, and 40-44. See MPEP 2131.03 and the above rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124. The examiner can normally be reached on 9:30 am-7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EAB
30 September 2003

DAVID SAMPLE
PRIMARY EXAMINER